House Bill 803 (AS PASSED HOUSE AND SENATE)

By: Representatives Rogers of the 26th, Mills of the 25th, Collins of the 27th, and Benton of the 31st

A BILL TO BE ENTITLED
AN ACT

1   To provide for a nonbinding, advisory referendum for the purpose of ascertaining whether

2   the General Assembly should enact legislation authorizing the City of Gainesville to elect

3   its chairperson of the board of education by city-wide election; to provide for legislative

4   purposes and findings; to provide for procedures and requirements relating thereto; to

5   provide for an effective date; to repeal conflicting laws; and for other purposes.

6   BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7   **SECTION 1.**

8   (a) It is the purpose of this Act to provide for a nonbinding, advisory referendum for the

9   purpose of ascertaining whether the General Assembly should enact legislation authorizing

10   the City of Gainesville to select its chairperson of the board of education by city-wide

11   election.

12   (b) It is found, determined, and declared that the holding of the nonbinding, advisory

13   referendum provided for in this Act is:

14   (1) In all respects for the benefit of the people of the City of Gainesville;

15   (2) A public purpose; and

16   (3) An essential governmental function for which public funds may be expended.

17   **SECTION 2.**

18   Unless prohibited by the federal Voting Rights Act of 1965, as amended, the municipal

19   election superintendent of the City of Gainesville shall call and conduct a nonbinding,

20   advisory referendum election as provided in this section for the purpose of submitting a

21   question to the electors of the City of Gainesville to determine whether a majority of said

22   electors want the General Assembly to enact legislation authorizing the City of Gainesville

23   to select its chairperson of the board of education by city-wide election. The municipal

24   election superintendent shall conduct that election on the Tuesday after the first Monday in

25   November, 2009, and shall issue the call and conduct that election as provided by general

26   law. The municipal election superintendent shall cause the date and purpose of the election

27   to be published once a week for two weeks immediately preceding the date thereof in the

28   official organ of Hall County. The ballot shall have written or printed thereon the words:

29   "NONBINDING ADVISORY REFERENDUM

30   ( ) YES   Should the General Assembly enact legislation authorizing the City of

31   ( ) NO   Gainesville to select its chairperson of the board of education by city-wide

32   election?"

33   All persons desiring to vote for approval of the question shall vote "Yes," and all persons

34   desiring to vote for rejection of the question shall vote "No." The expense of such election

35   shall be borne by the City of Gainesville. It shall be the election superintendent's duty to

36   certify the result thereof to the Secretary of State and to each member of the General

37   Assembly whose senatorial or representative district lies wholly on partially within the City

38   of Gainesville.

39   **SECTION 3.**

40   Except as otherwise provided in Section 2 of this Act, this Act shall become effective upon

41   its approval by the Governor or upon its becoming law without such approval.

42   **SECTION 4.**

43   All laws and parts of laws in conflict with this Act are repealed.